

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SIMON ZERESENAY,)	CIVIL ACTION FILE
)	NO.
Plaintiff,)	
)	On removal from the State Court of
JOSHUA CASSIDY,)	DeKalb County, Civil Action
)	File No: 23A00486
Defendant.)	
)	JURY TRIAL DEMANDED

NOTICE OF REMOVAL

COMES NOW, JOSHUA CASSIDY (“Defendant”), Defendant in the above styled action, and within the time prescribed by law files this Notice of Removal and respectfully shows the Court the following facts:

1.

Plaintiff commenced this action by filing his Complaint on January 31, 2023, in the State Court of DeKalb County, which is a county within the Atlanta Division of this Court. The suit is styled as above and numbered civil action file number 23A00486 in that Court. Plaintiff contends that Defendant Joshua Cassidy was served with a copy of the suit on February 22, 2023. Although Defendant maintains that he has not been served, the Notice of Removal is filed within the 30 days of Defendant’s purported receipt of the suit and is thus timely.

2.

Plaintiff is citizen of the State of Georgia. (*See* Complaint ¶1).

3.

Defendant Joshua Cassidy is a citizen and resident of the State of Illinois.

Defendant Cassidy is not a citizen of the State of Georgia and was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter. (*See* Plaintiff's Complaint, ¶2).

4.

Complete diversity exists between Plaintiff and Defendant in accordance with 28 U.S.C. §1332 (a)(1).

5.

The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff has expressly alleged that he is seeking \$43,379.00 in past medical expenses. (*See* Plaintiff's Complaint, ¶28). Plaintiff is also seeking damages for future medical expenses. (*See* Plaintiff's Complaint, ¶28). He also alleges that he suffered mental distress from serious physical injury and seeks recovery for mental and emotional distress as a result of the subject incident. (*See* Plaintiff's Complaint, ¶28). In addition, Plaintiff is also seeking damages for punitive damages and attorneys' fees. (See Complaint §26,30).

6.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) because there is complete diversity of citizenship between Plaintiff and Defendants and, as shown above, the amount in controversy exceeds \$75,000. Further, as required by 28 U.S.C. § 1441(b), Defendant is not citizens of the State of Georgia.

7.

Pursuant to 28 U.S.C. § 1446(a), Defendant has attached hereto copies of all process, pleadings, and orders served upon them in this case, such copies being marked “Exhibit A”.

8.

Defendant submits this Notice of Removal without waiving any defense to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted. Defendant specifically reserves the right to assert, if applicable, any and all defenses enumerated under Rule 12 of the Federal Rules of Civil Procedure or any other affirmative defenses, including those enumerated under Rule 8(c) of the Federal Rules of Civil Procedure, upon the filing of its responsive pleadings within the time allotted under the Federal Rules of Civil Procedure.

9.

Defendant has given written notice of the filing of this Notice of Removal to Plaintiff by notifying his attorneys of record, Manchilo Guadie, The Law Office of Manchilo Guadie, Inc., 6157 Memorial Drive, Stone Mountain, Georgia, 30083. Defendant has also filed a written notice with the Clerk of the State Court of DeKalb County, a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, Defendant prays that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 24th day of March, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ *Gillian S. Crowl-Parrish*

Gillian S. Crowl-Parrish

Georgia Bar No. 654746

Attorneys for Defendant

1420 Peachtree Street, NE
Suite 800
Atlanta, GA 30309
OFF: (404) 874-8800
FAX: (404) 888-6199

CERTIFICATION PURSUANT TO L.R. 7.1D

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel for Defendant hereby certifies that the above and foregoing submission is a computer document prepared in Times New Roman (14 point) font and in accordance with Local Rule 5.1B.

This 24th day of March, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Gillian S. Crowl-Parrish
Gillian S. Crowl-Parrish
Georgia Bar No. 654746
Attorneys for Defendant

1420 Peachtree Street, NE; Suite 800
Atlanta, GA 30309
OFF: (404) 874-8800
FAX: (404) 888-6199
Gillian.crowl@swiftcurrie.com

CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a true and accurate copy of ***NOTICE OF REMOVAL*** with the Clerk of Court using the CM/ECF System. The clerk will serve opposing counsel as follows:

Manchilo Guadie
The Law Office of Manchilo Guadie, Inc.
6157 Memorial Drive
Stone Mountain, GA 30083
info@manchilolaw.com
Attorney for Plaintiff

This 24th day of March, 2023.

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Gillian S. Crowl-Parrish

Gillian S. Crowl-Parrish
Georgia Bar No. 654746
Attorneys for Defendant

1420 Peachtree Street, NE; Suite 800
Atlanta, GA 30309
OFF: (404) 874-8800
FAX: (404) 888-6199

4861-3564-9881, v. 1